APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,116	08/29/2001	William R. Wheeler	10559/601001/P12885	6930

			EXAMINER
20985 7590 10/18/2005			FERRIS III, FRED O

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/942,116	WHEELER ET AL.
	Examiner	Art Unit	
	Fred Ferris	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-8 and 10-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8 and 10-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *12/03, 3/04*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   *Claims 1-3, 5-8, and 10-24 are currently pending in this application and have*

been presented for examination based on applicant's amendment filed on 19 July 2005.

Claims 1-3, 5-8, and 10-24 remain rejected by the examiner.

Response to Arguments

2.   *Applicant's arguments filed 19 July 2005 have been fully considered.*

        Regarding applicant's response to 101 rejections: The examiner withdraws the

previous 101 rejection of claims 1-3, and 5 in view of applicant's amendment to the

claims.

        Regarding applicant's response to 103(a) rejections: The main thrust of

applicant's arguments center around arguing that the combination of Jain and Bushard

does not teach the claimed element relating to performing a four state simulation, "if the

three state simulation was successful". In response, the examiner first notes that in

accordance with applicant's specification (page 8, line 13) the term "successful", as it

applies to three state simulation, simply implies that no "undefined states" were

determined during simulation. This feature is rendered obvious by Bushard, because

Bushard teaches detecting (determining) if a simulation contains any unknown (i.e.

undefined, not initialized) logic states and then storing the unknown states in a list

(CL10-L9-11). Obviously, if no undefined states are determined during simulation, a

four state simulation is simply not required since a four state simulation is only needed if

undefined (i.e. forth state) logic values exist. The specification (page 9, line 6) appears

to reinforce this reasoning. Hence, a skilled artisan that was aware of the teachings of Bushard (i.e. detecting the existence of undefined states), would have knowingly implemented the logic simulation design to perform a four state simulation only if undefined states actually "exist" (i.e. "if the three state simulation was successful", or visa versa), since a three state simulation is all that is required if the circuit contains no undefined (i.e. unknown) values. In this case, all logic values can be represented as simply "0", "1" or "X" (don't care). The also examiner notes that the specification appears to contain certain ambiguities relating to the design flow resulting from "unsuccessful" and successful" check results (See: page 8, line 14 and page 9, line 15, for example). Figure 1 is assumed to represent the correct design flow.

While the examiner concurs with applicants arguments that Jain and Bushard do not explicitly disclose the same combination of three bits for indicating a particular condition representing the state of the node, the examiner maintains that the disclosed technique merely amounts to "bit mapping" of the four possible node states. Bushard, for example, clearly discloses using such bit mapping techniques for changing (and representing) state values during simulation (CL9-L1-15). (Also see: "bit map"/"pattern", Microsoft Computer Dictionary, Third Edition, 1997) Bushard also teaches that such techniques are "known" to one skilled in the art (CL9-L3). Hence, a skilled artisan having access to the teachings of Bushard, or simply being familiar with well-known bit mapping techniques, would have knowingly implemented the logic design by storing three bits of state information for a node representing the possible values of state and logic as a method for bit mapping and storing the state and logic values.

Relating to claims 22-24, applicants argue that Wang fails to teach copying the

instruction to a second page and executing the second page starting with the instruction

as recited in claims 22-24. The examiner asserts that this feature is necessarily obvious

in view of Wang because Wang teaches copying to computer executable instructions

(abstract) into secondary pages (CL1-L55-CL2-L7, Figs. 5-7) as part of the write

protecting process. Hence a skilled artisan having access to the teachings of Wang

would have known to execute the stored instructions from the second memory page out

of necessity as part of the write protection process using the reasoning previously cited

below under 103(a) rejections.

The examiner therefore maintains the rejection of claims 1-3, 5-8, and 10-24 as

obvious in view of the prior art for the reasons set forth above and below under 103(a)

rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
          obviousness or nonobviousness.

4.   Claims 1-3, 5-8, and 10-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 6,044,211 issued to Jain in view of U.S. Patent

5,819,072 issued to Bushard et al.

    Independent claims 1, 6 and 11 are drawn to:

Method, article, and apparatus for simulating a logic design by:
storing first state to identify node in simulation with logic high value;
storing second state to identify node in simulation with logic low value;
storing third state to identify node in simulation with undefined state;
performing a three state simulation to determine an output of node in simulation based
on first state, second state, and third state;
determining if simulation was successful based on whether output node has undefined
state;
performing four state simulation of logic design if three state simulation was successful.

    Regarding independent claims 1, 6, and 11: Jain discloses the simulation of a

logic design (Figs. 4-6) inclusive of identifying and storing the state(s) of the node

(CL13-L16-21, CL24-L17-26) and determining the output of the node (CL5-L55-59,

CL24-L29) during simulation based on value(s) of the prior state(s) (CL21-L29-33, 50,

61-63). Hence, Jain renders obvious the elements of the limitations relating to storing

and identifying multiple node states (i.e. first, second, third, etc.) based on a logic value.

(Tabs. II-IV, Fig. 5)

    Jain does not explicitly disclose four state simulation. (i.e. state values of, high,

low, high impedance, and undefined).

Bushard teaches a four state simulator (CL8-L66-67, CL9-L4, 21-22, and 59-61)

where the possible values include high (1), low (0), high impedance (unknown), and

undefined (don't care). (CL9-L31-37, 57-65, Figs. 7, 8) Determining if the simulation was

"successful" based on the state of the output node is obvious in view of Bushard

because Bushard teaches a four state simulation that identifies and stores the state

values, and then subsequently analyzes the circuit design based these values (CL10-

L3-15, i.e. high, low, unknown, etc.). Hence a skilled artisan having access to the

teachings of Bushard would have known to use state values (i.e. four states, high, low,

high impedance, and undefined, in determining if the simulation of the logic was

successful. Here, the term the term "successful" simply implies that no "undefined

states" were determined during simulation as disclosed in applicant's specification, page

8, line 13. This feature is therefore rendered obvious by Bushard because Bushard

teaches detecting (determining) if a simulation contains any unknown (i.e. undefined,

not initialized) logic states and then storing the unknown states in a list (CL10-L9-11).

Obviously, if no undefined states are determined during simulation, a four state

simulation is simply not required since a four state simulation is only needed if

undefined (i.e. forth state) logic values exist. The specification (page 9, line 6) appears

to reinforce this reasoning.

It would have been obvious to one having ordinary skill in the art at the time the

claimed invention was made to modify the teachings of Jain relating to simulation of a

logic design and identifying and storing node state values, with the teachings of

Bushard relating to the use of multi-state values in logic design simulation, to realize the

claimed invention. An obvious motivation exists since, in this case, the Jain reference

teaches to the Bushard reference, and the Bushard reference teaches to the Jain

reference. Specifically, both Jain and Bushard teach simulation of a logic designs and

are used in the same technical arena as noted above. Jain teaches to Bushard because

Jain discloses that node values can be detected and stored for a given state. (See: Jain,

CL13-L16-21). Bushard teaches to Jain because Bushard specifically discloses using

multi-state values in logic design simulation. (See: Bushard, CL9-L27-67, Figs. 7, 8)

Further, the level of skill required by an artisan to realize the claimed limitations of the

present invention is clearly established by both references. (See: Jain/Bushard,

Abstracts) Accordingly, a skilled artisan having access to the teachings of Jain and

Bushard, would have knowingly modified the teachings of Jain with the teachings of

Bushard (or visa versa) to realize the claimed elements of the present invention and

gain the advantage of reduced development time and cost.

Per dependent claims 2, 7, and 12: Jain discloses determining node value based

on value(s) of prior state(s) (CL21-L29-33, 50, 61-63), Bushard discloses determining

four state logic simulation and hence would have been knowingly incorporated using the

reasoning cited above.

Per dependent claims 3, 8, and 13: This limitation would obviously be required

out of necessity since the third state represents an undefined state. That is, if two

sources are driving the node, then obviously the state of the node is undefined since the

value at the node will be somewhere in between the value of the first driving source,

and second driving source. (i.e. the output of the node is therefore ambiguous) This

feature is also disclosed by Bushard as previously noted above. (CL9-L27-67, Figs. 7,

8)

Per dependent claim 14: Bushard discloses fourth states in the logic design

simulation and would have knowingly been incorporated using the reasoning previously

cited above.

Per dependent claims 5, 10, and 15: Jain discloses determining the node output

values based on selected values (high/low) of previous states as noted above. (CL5-

L35-63)

Per independent claim 16: This claim merely requires storing three bits of state

information, and then subsequently checking the three bits in simulating operation of the

logic design. This claim is rendered obvious by the combination of Jain and Bushard

using the reasoning previously cited above. The examiner further notes that storing the

state information as *three bits* representing to possible node states merely amounts to

bit pattern mapping of the state values and hence would have been knowingly

implemented by a skilled artisan (see: bit map/pattern, Microsoft Computer Dictionary,

Third Edition, 1997).

Per dependent claims 17-21: Bushard discloses determining the stored

state/node value (high, low, etc.) based on up to four bits (CL9-L27-67, Figs. 7, 8) and

considers undermined states and high impedance states and hence would have been

knowingly implemented by a skilled artisan using the reasoning cited above.

5.   Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,466,898 issued to Chan in view of U.S. Patent 6,738,875 issued to Wang.

Per independent claim 22: Chan teaches a cycle-based simulation (CL1-L45-57, CL2-L5-21, Figs. 3, 8, 11) of a logic design inclusive of logic computation instructions (CL4-L5-19, Tab. 1) and multiple memory pages (CL8-L13-24).

Chan does not explicitly disclose a write-protected memory.

Wang teaches techniques for write protecting a memory page, copying to secondary pages, un-protecting a write-protected page, rewriting values, and re-protecting the original write protected page. (CL1-L55-CL2-L7, Figs. 5-7)

It would have been obvious to one having ordinary skill in the art at the time the claimed invention was made to modify the teachings of Chan relating to a cycle-based simulation, with the teachings of Wang relating to write protecting memory pages, to realize the claimed invention. An obvious motivation exists since this area of technology is highly competitive with many cycle-based simulation tools available in the market place and large amounts of money being spent in product development and improvement. (See: Wang, Table 1, for example) Accordingly, a skilled artisan would have made an effort to become aware of what capabilities had already been developed in the market place and, hence, would have knowingly modified the teachings of Chan with the teachings of Wang in order to reduce development time and cost.

Per dependent claims 23-24: These claims merely require inserting an illegal instruction into the memory page to trigger an exception to the write protection process.

This technique is well known in the art and would have knowingly been used by a skilled artisan as a method of <u>generating a processor interrupt</u> for handling write protection routine. (See: definition for "exception", Microsoft Computer Dictionary", Third Edition, 1997)

Conclusion

6.   ***THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).*

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Careful consideration should be given prior to applicant's response to this Office Action.

U.S. Patent 6,718,522 issued to Mc Bride et al teaches simulating logic design and storing node state values.

"Process-Level Modeling with VHDL", J. Armstrong, Proceeding Verilog HDL

Conference, March 1998, IEEE teaches simulating logic design and storing node state

values.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fred Ferris whose telephone number is 571-272-3778

and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry

of a general nature relating to the status of this application should be directed to the

group receptionist whose telephone number is 571-272-3700. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can

be reached at 571-272-2279. The Official Fax Number is: (703) 872-9306

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